



Rep. Naomi D. Jakobsson

**Filed: 12/1/2014**

09800SB2729ham003

LRB098 16125 JWD 62489 a

1 AMENDMENT TO SENATE BILL 2729

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2729, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Procurement Code is amended by  
6 changing Section 1-13 as follows:

7 (30 ILCS 500/1-13)

8 (Text of Section before amendment by P.A. 98-1076)

9 (Section scheduled to be repealed on December 31, 2016)

10 Sec. 1-13. Applicability to public institutions of higher  
11 education.

12 (a) This Code shall apply to public institutions of higher  
13 education, regardless of the source of the funds with which  
14 contracts are paid, except as provided in this Section.

15 (b) Except as provided in this Section, this Code shall not  
16 apply to procurements made by or on behalf of public

1 institutions of higher education for any of the following:

2 (1) Memberships in professional, academic, or athletic  
3 organizations on behalf of a public institution of higher  
4 education, an employee of a public institution of higher  
5 education, or a student at a public institution of higher  
6 education.

7 (2) Procurement expenditures for events or activities  
8 paid for exclusively by revenues generated by the event or  
9 activity, gifts or donations for the event or activity,  
10 private grants, or any combination thereof.

11 (3) Procurement expenditures for events or activities  
12 for which the use of specific vendors is mandated or  
13 identified by the sponsor of the event or activity,  
14 provided that the sponsor is providing a majority of the  
15 funding for the event or activity.

16 (4) Procurement expenditures necessary to provide  
17 artistic or musical services, performances, or productions  
18 held at a venue operated by a public institution of higher  
19 education.

20 (5) Procurement expenditures for periodicals and books  
21 procured for use by a university library or academic  
22 department, except for expenditures related to procuring  
23 textbooks for student use or materials for resale or  
24 rental.

25 (8) Procurement expenditures for goods or services  
26 procured through a contract with a vendor approved by the

1           Midwest Higher Education Compact.

2       Notice of each contract entered into by a public institution of  
3       higher education that is related to the procurement of goods  
4       and services identified in items (1) through (8) ~~(5)~~ of this  
5       subsection shall be published in the Procurement Bulletin  
6       within 14 days after contract execution. The Chief Procurement  
7       Officer shall prescribe the form and content of the notice.  
8       Each public institution of higher education shall provide the  
9       Chief Procurement Officer, on a monthly basis, in the form and  
10      content prescribed by the Chief Procurement Officer, a report  
11      of contracts that are related to the procurement of goods and  
12      services identified in this subsection. At a minimum, this  
13      report shall include the name of the contractor, a description  
14      of the supply or service provided, the total amount of the  
15      contract, the term of the contract, and the exception to the  
16      Code utilized. A copy of any or all of these contracts shall be  
17      made available to the Chief Procurement Officer immediately  
18      upon request. The Chief Procurement Officer shall submit a  
19      report to the Governor and General Assembly no later than  
20      November 1 of each year that shall include, at a minimum, an  
21      annual summary of the monthly information reported to the Chief  
22      Procurement Officer.

23           (c) Procurements made by or on behalf of public  
24      institutions of higher education for any of the following shall  
25      be made in accordance with the requirements of this Code to the  
26      extent practical as provided in this subsection:

1           (1) Contracts with a foreign entity necessary for  
2           research or educational activities, provided that the  
3           foreign entity either does not maintain an office in the  
4           United States or is the sole source of the service or  
5           product.

6           (2) Procurements of FDA-regulated goods, products, and  
7           services necessary for the delivery of care and treatment  
8           at medical, dental, or veterinary teaching facilities  
9           utilized by the University of Illinois or Southern Illinois  
10          University.

11          (3) Contracts for programming and broadcast license  
12          rights for university-operated radio and television  
13          stations.

14          (4) Procurements required for fulfillment of a grant.

15          Upon the written request of a public institution of higher  
16          education, the Chief Procurement Officer may waive  
17          registration, certification, and hearing requirements of this  
18          Code if, based on the item to be procured or the terms of a  
19          grant, compliance is impractical. The public institution of  
20          higher education shall provide the Chief Procurement Officer  
21          with specific reasons for the waiver, including the necessity  
22          of contracting with a particular vendor, and shall certify that  
23          an effort was made in good faith to comply with the provisions  
24          of this Code. The Chief Procurement Officer shall provide  
25          written justification for any waivers. By November 1 of each  
26          year, the Chief Procurement Officer shall file a report with

1 the General Assembly identifying each contract approved with  
2 waivers and providing the justification given for any waivers  
3 for each of those contracts. Notice of each waiver made under  
4 this subsection shall be published in the Procurement Bulletin  
5 within 14 days after contract execution. The Chief Procurement  
6 Officer shall prescribe the form and content of the notice.

7 (d) Notwithstanding this Section, a waiver of the  
8 registration requirements of Section 20-160 does not permit a  
9 business entity and any affiliated entities or affiliated  
10 persons to make campaign contributions if otherwise prohibited  
11 by Section 50-37. The total amount of contracts awarded in  
12 accordance with this Section shall be included in determining  
13 the aggregate amount of contracts or pending bids of a business  
14 entity and any affiliated entities or affiliated persons.

15 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
16 this Code, the Chief Procurement Officer, with the approval of  
17 the Executive Ethics Commission, may permit a public  
18 institution of higher education to accept a bid or enter into a  
19 contract with a business that assisted the public institution  
20 of higher education in determining whether there is a need for  
21 a contract or assisted in reviewing, drafting, or preparing  
22 documents related to a bid or contract, provided that the bid  
23 or contract is essential to research administered by the public  
24 institution of higher education and it is in the best interest  
25 of the public institution of higher education to accept the bid  
26 or contract. For purposes of this subsection, "business"

1 includes all individuals with whom a business is affiliated,  
2 including, but not limited to, any officer, agent, employee,  
3 consultant, independent contractor, director, partner,  
4 manager, or shareholder of a business. The Executive Ethics  
5 Commission may promulgate rules and regulations for the  
6 implementation and administration of the provisions of this  
7 subsection (e).

8 (f) As used in this Section:

9 "Grant" means non-appropriated funding provided by a  
10 federal or private entity to support a project or program  
11 administered by a public institution of higher education and  
12 any non-appropriated funding provided to a sub-recipient of the  
13 grant.

14 "Public institution of higher education" means Chicago  
15 State University, Eastern Illinois University, Governors State  
16 University, Illinois State University, Northeastern Illinois  
17 University, Northern Illinois University, Southern Illinois  
18 University, University of Illinois, Western Illinois  
19 University, and, for purposes of this Code only, the Illinois  
20 Mathematics and Science Academy.

21 (g) This Section is repealed on December 31, 2014.

22 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12.)

23 (Text of Section after amendment by P.A. 98-1076)

24 (Section scheduled to be repealed on December 31, 2014)

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6 apply to procurements made by or on behalf of public  
7 institutions of higher education for any of the following:

8 (1) Memberships in professional, academic, research,  
9 or athletic organizations on behalf of a public institution  
10 of higher education, an employee of a public institution of  
11 higher education, or a student at a public institution of  
12 higher education.

13 (2) Procurement expenditures for events or activities  
14 paid for exclusively by revenues generated by the event or  
15 activity, gifts or donations for the event or activity,  
16 private grants, or any combination thereof.

17 (3) Procurement expenditures for events or activities  
18 for which the use of specific potential contractors is  
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20 activity, provided that the sponsor is providing a majority  
21 of the funding for the event or activity.

22 (4) Procurement expenditures necessary to provide  
23 artistic or musical services, performances, or productions  
24 held at a venue operated by a public institution of higher  
25 education.

26 (5) Procurement expenditures for periodicals and books

1           procured for use by a university library or academic  
2           department, except for expenditures related to procuring  
3           textbooks for student use or materials for resale or  
4           rental.

5           (6) Procurement expenditures for placement of students  
6           in externships, practicums, field experiences, and medical  
7           residencies and rotations.

8           (7) Contracts for programming and broadcast license  
9           rights for university-operated radio and television  
10          stations.

11          (8) Procurement expenditures for goods or services  
12          procured through a contract with a vendor approved by the  
13          Midwest Higher Education Compact.

14          Notice of each contract entered into by a public institution of  
15          higher education that is related to the procurement of goods  
16          and services identified in items (1) through (8) ~~(7)~~ of this  
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18          within 14 calendar days after contract execution. The Chief  
19          Procurement Officer shall prescribe the form and content of the  
20          notice. Each public institution of higher education shall  
21          provide the Chief Procurement Officer, on a monthly basis, in  
22          the form and content prescribed by the Chief Procurement  
23          Officer, a report of contracts that are related to the  
24          procurement of goods and services identified in this  
25          subsection. At a minimum, this report shall include the name of  
26          the contractor, a description of the supply or service

1 provided, the total amount of the contract, the term of the  
2 contract, and the exception to the Code utilized. A copy of any  
3 or all of these contracts shall be made available to the Chief  
4 Procurement Officer immediately upon request. The Chief  
5 Procurement Officer shall submit a report to the Governor and  
6 General Assembly no later than November 1 of each year that  
7 shall include, at a minimum, an annual summary of the monthly  
8 information reported to the Chief Procurement Officer.

9 (b-5) Except as provided in this subsection, the provisions  
10 of this Code shall not apply to contracts for FDA-regulated  
11 supplies, and to contracts for medical services necessary for  
12 the delivery of care and treatment at medical, dental, or  
13 veterinary teaching facilities utilized by Southern Illinois  
14 University or the University of Illinois. Other supplies and  
15 services needed for these teaching facilities shall be subject  
16 to the jurisdiction of the Chief Procurement Officer for Public  
17 Institutions of Higher Education who may establish expedited  
18 procurement procedures and may waive or modify certification,  
19 contract, hearing, process and registration requirements  
20 required by the Code. All procurements made under this  
21 subsection shall be documented and may require publication in  
22 the Illinois Procurement Bulletin.

23 (c) Procurements made by or on behalf of public  
24 institutions of higher education for any of the following shall  
25 be made in accordance with the requirements of this Code to the  
26 extent practical as provided in this subsection:

1           (1) Contracts with a foreign entity necessary for  
2           research or educational activities, provided that the  
3           foreign entity either does not maintain an office in the  
4           United States or is the sole source of the service or  
5           product.

6           (2) (Blank).

7           (3) (Blank).

8           (4) Procurements required for fulfillment of a grant.

9           Upon the written request of a public institution of higher  
10          education, the Chief Procurement Officer may waive  
11          registration, certification, and hearing requirements of this  
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21          file a report with the General Assembly identifying each  
22          contract approved with waivers and providing the justification  
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24          each waiver made under this subsection shall be published in  
25          the Procurement Bulletin within 14 calendar days after contract  
26          execution. The Chief Procurement Officer shall prescribe the

1 form and content of the notice.

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3 registration requirements of Section 20-160 does not permit a  
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5 persons to make campaign contributions if otherwise prohibited  
6 by Section 50-37. The total amount of contracts awarded in  
7 accordance with this Section shall be included in determining  
8 the aggregate amount of contracts or pending bids of a business  
9 entity and any affiliated entities or affiliated persons.

10 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
11 this Code, the Chief Procurement Officer, with the approval of  
12 the Executive Ethics Commission, may permit a public  
13 institution of higher education to accept a bid or enter into a  
14 contract with a business that assisted the public institution  
15 of higher education in determining whether there is a need for  
16 a contract or assisted in reviewing, drafting, or preparing  
17 documents related to a bid or contract, provided that the bid  
18 or contract is essential to research administered by the public  
19 institution of higher education and it is in the best interest  
20 of the public institution of higher education to accept the bid  
21 or contract. For purposes of this subsection, "business"  
22 includes all individuals with whom a business is affiliated,  
23 including, but not limited to, any officer, agent, employee,  
24 consultant, independent contractor, director, partner,  
25 manager, or shareholder of a business. The Executive Ethics  
26 Commission may promulgate rules and regulations for the

1 implementation and administration of the provisions of this  
2 subsection (e).

3 (f) As used in this Section:

4 "Grant" means non-appropriated funding provided by a  
5 federal or private entity to support a project or program  
6 administered by a public institution of higher education and  
7 any non-appropriated funding provided to a sub-recipient of the  
8 grant.

9 "Public institution of higher education" means Chicago  
10 State University, Eastern Illinois University, Governors State  
11 University, Illinois State University, Northeastern Illinois  
12 University, Northern Illinois University, Southern Illinois  
13 University, University of Illinois, Western Illinois  
14 University, and, for purposes of this Code only, the Illinois  
15 Mathematics and Science Academy.

16 (g) This Section is repealed on December 31, 2016.

17 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;  
18 98-1076, eff. 1-1-15.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act."